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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/882,745	06/15/2001	Robert D. Kern	297.008	9897

23598 7590 08/14/2002

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EXAMINER

AGUIRRECHEA, JAYDI A

ART UNIT	PAPER NUMBER
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2834

DATE MAILED: 08/14/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/882,745

Applicant(s)

KERN ET AL.

Examiner

Jaydi A. Aguirrechea

Art Unit

2834

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other: ____.

DETAILED ACTION

Drawings

This application has been filed with informal drawings which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2, 5-13, and 16-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Thomson et al. (US 5734255).

Thomson et al. teach the construction of a control system (30) for controlling operation of an engine-driven, electrical generator (54, 55, 56) which generates AC power and AC voltage for a load (34), the engine (57) having an adjustable engine speed (Column 9, Lines 59-62), the AC power having a magnitude and a power factor; and the AC voltage having a magnitude and a frequency, comprising:

a generator control (64) operatively connected to the engine for:

controlling operation thereof and operatively connected to the generator for controlling the AC power generated thereby;

varying the magnitude and frequency of the AC voltage generated by the generator to match the magnitude and frequency of the AC voltage by the utility source;

including a digital governor (84) connectable to the engine for controlling the engine speed of the engine;

having a throttle valve, the throttle valve movable between a first open position wherein the engine generates maximum AC power and a second closed position wherein the engine generates minimum AC power;

a volt-ampere-reactive (VAR) control for varying the power factor of the AC power generated by the generator to a predetermined value; and

a voltage regulator for controlling the magnitude of the AC voltage generated by the generator;

a communications link (39) for operatively connecting the generator control to a network (40) having an user interface.

the load is operatively connected to a utility source which provides AC power having a magnitude and power factor and AC voltage having a magnitude and a frequency thereto and wherein the control system includes a synchronizer (Column 14 Lines 60-64) which is operatively connected to the generator control, for determining the magnitude and frequency of the AC voltage of the utility source (54, 55, 56) and the magnitude and frequency of the AC voltage generated by the generator;

a switch (58) operatively connected to the generator control and being movable between a first closed position for interconnecting the generator and the load and a second open position, the generator control moving the switch to the closed position in response to the magnitude and frequency of the AC voltage generated by the generator

being generally equal to the magnitude and frequency of the AC voltage provided by the utility source;

an alarm system (Column 20, Lines 23-25) connectable to the engine for monitoring various engine parameters, the alarm system communicating with the generator control and generating an alarm signal in response to a predetermined condition on the engine.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3-4 and 14-28 rejected under 35 U.S.C. 103(a) as being unpatentable over Thomson et al. (US 5734255) in view of Junpei Inagaki et al. (3548275).

Thomson et al. disclose the claimed invention except for a transfer switch having a first input connectable to a utility source for providing AC power, a second input operatively connected to the generator, and an output connectable to a load, the transfer switch is selectively movable between a first position connecting the utility source to the load and a second position connecting the generator to the load, which is operatively connected to the generator control such that the generator control controls movement of the transfer switch between the first and second positions.

Junpei Inagaki et al. teach the construction of control devices for electric motors comprising a transfer switch having a first input connectable to a utility source for providing AC power, a second input operatively connected to the generator, and an output connectable to a load, the transfer switch is selectively movable between a first position connecting the utility source to the load and a second position connecting the generator to the load, which is operatively connected to the generator control such that the generator control controls movement of the transfer switch between the first and second positions for the purpose of providing a control device for an electric motor including a regenerative breaking device which is highly responsive, reliable and of simple maintenance wherein the speed electromotive force is switched by a contactless means at the time of applying the regenerative breaking.

It would have been obvious to one skilled in the art at the time the invention was made to use the transfer switch disclosed by Junpei Inagaki et al. on the control system disclosed by Thomson et al. for the purpose of providing a control device for an electric motor including a regenerative breaking device which is highly responsive, reliable and of simple maintenance wherein the speed electromotive force is switched by a contactless means at the time of applying the regenerative breaking.

With regards to claims 23-28, it is inherent in the structure of Thomson et al. to perform the operation as claimed, i.e. the transmission of the parameters through the claimed communications link of the network.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See MPEP-892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jaydi A. Aguirrechea whose telephone number is 703-305-2277. The examiner can normally be reached on M-Th 9-7.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nestor Ramirez can be reached on 703-308-1371. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-1341 for regular communications and 703-305-3432 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

jaa
August 12, 2002


NESTOR RAMIREZ
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